

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

STATE OF TEXAS,

Plaintiff,

v.

ALEJANDRO MAYORKAS,
Secretary of Homeland Security, *et al.*,

Defendants.

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Case No. 2:23-CV-00024-AM

**DEFENDANTS' MOTION FOR LEAVE TO FILE NOTICE OF SUPPLEMENTAL
AUTHORITY IN SUPPORT OF MOTION TO DISMISS**

Defendants respectfully file this Motion for Leave to File the attached Notice of Supplemental Authority in support of their Motion to Dismiss (ECF No. 34). The Notice discusses two cases decided by the Supreme Court in June 2024 concerning Article III standing, which are relevant to Defendants' arguments for dismissal. *See Food and Drug Administration v. Alliance for Hippocratic Medicine*, 144 S. Ct. 1540 (June 13, 2024); *Murthy v. Missouri*, --- S. Ct. ---, 2024 WL 3165801 (June 26, 2024). Defendants advise the Court of these developments concerning subject-matter jurisdiction, and request that the Court consider these opinions in deciding Defendants' motion to dismiss. *See Howery v. Allstate Ins. Co.*, 243 F.3d 912, 919 (5th Cir. 2001) ("[F]ederal courts must address jurisdictional questions whenever they are raised[.]"); Fed. R. Civ. P. 12(h)(3) (providing that courts must consider lack of subject-matter jurisdiction at any time during the litigation).

Undersigned counsel conferred with counsel for Plaintiff, Amy S. Hilton, via email regarding this motion. On July 3, 2024, Ms. Hilton stated via email that Plaintiff does not oppose

the relief requested, so long as Plaintiff is provided the opportunity to respond to the notice of supplemental authority if this motion is granted.

Dated: July 3, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

WILLIAM C. PEACHEY
Director

EREZ REUVENI
Counsel

CHRISTINA P. GREER
BRIAN C. WARD
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By: /s/ Katherine J. Shinnors
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of July, 2024, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for Plaintiff.

/s/ Katherine J. Shinnors
KATHERINE J. SHINNERS
Senior Litigation Counsel

CERTIFICATE OF CONFERENCE OF COUNSEL

I hereby certify that I conferred with counsel for Plaintiff, Amy S. Hilton, via email regarding this motion and all relief requested herein. On July 3, 2024, Ms. Hilton stated via email that Plaintiff does not oppose the relief requested, so long as Plaintiff is provided the opportunity to respond to the notice of supplemental authority if the motion for leave to file is granted.

/s/ Katherine J. Shinnors
KATHERINE J. SHINNERS
Senior Litigation Counsel